

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1745

Introduced by Senator Kuehl

February 24, 2006

~~An act to amend Section 1941.3 of, and to add Section 1946.7 to, the Civil Code, and to amend Sections 12920, 12921, 12926, 12927, 12940, 12955, and 12955.8 of the Government Code, relating to employment and housing discrimination. An act relating to domestic violence.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Kuehl. Employment and housing discrimination.

Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and termination on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. The act also makes it unlawful to engage in specified discriminatory practices in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, or sexual orientation.

Existing law makes it a crime to engage in specified acts of domestic violence, sexual assault, and stalking.

This bill would declare the intent of the Legislature to develop legislation that would protect victims of domestic violence, sexual assault, and stalking in their homes and prohibit discrimination against these victims in housing and employment.

~~(1) Existing law requires a landlord of a building intended for human habitation to install and maintain locks on doors and security or locking devices on windows, as specified, and to install specified locks on doors to common areas.~~

~~This bill would require a landlord of a building, if requested, to replace or reconfigure household locks upon the request of a tenant or household member who has obtained a valid protective order against a person who is also a tenant, if the requesting tenant or household member provides the landlord with a copy of the order. This bill would prohibit the landlord from providing copies of new keys to the tenant against whom the order of protection was issued.~~

~~This bill would provide that the tenant against whom the protective order was issued would not be released from liability or obligations under the rental agreement under these circumstances.~~

~~(2) Existing law governs the renewal and termination of lease of real property based on the terms of the lease, or on the behavior of the parties.~~

~~This bill would provide that a tenant or household member who was a victim of an act of domestic violence, sexual assault, or stalking, as defined, may terminate the rental agreement and quit the premises and will be discharged from payment of rent for any period following the last day of the month of the quitting date, if the tenant or household member provides the landlord written proof that the tenant or household member has a valid protective order, as defined, or that the tenant or household member has reported the domestic violence, sexual assault, or stalking to a qualified 3rd party acting in his or her official capacity and the qualified 3rd party has provided the tenant or the household member written documentation that the person is a victim of the act. The bill would provide that the request to terminate the rental agreement must occur within 90 days of the act or circumstance that gave rise to the protective order, and the written request must meet specific criteria. The bill would provide that a tenant who terminates a rental agreement in this manner is entitled to return of the full deposit notwithstanding lease provisions that allow forfeiture of a deposit for early termination and subject to Section 19505.5.~~

~~The bill would provide that other tenants who are parties to the rental agreement, except household members who are victims of domestic violence, sexual assault, or stalking and members of that~~

person's family, other than the person alleged to have committed the act, are not released from their obligations under the rental agreement.

~~(3) Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and termination on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. The act also makes it unlawful to engage in specified discriminatory practices in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, or sexual orientation.~~

~~This bill would amend the act to include a person's status as a victim of domestic violence, sexual assault, or stalking, as defined, within the unlawful bases for discrimination in employment and housing accommodations.~~

~~(4) Under the act, the opportunity to seek, obtain and hold employment and housing without discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation is a civil right.~~

~~This bill would extend the protection to include a person's status as a victim of domestic violence, sexual assault, or stalking.~~

~~(5) Existing law prohibits various types of discrimination and harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, as defined, in housing and employment.~~

~~This bill would expand the prohibition to include a person's status as a victim of domestic violence, sexual assault, or stalking, as defined.~~

~~(6) Existing law authorizes the Department of Fair Employment and Housing to engage in affirmative actions, as defined, to prevent, and provide for effective remedies against, housing discrimination because of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability.~~

~~This bill would expand the definition of affirmative actions to include a person's status as a victim of domestic violence, sexual assault, or stalking.~~

~~(7) Under the act, it is an unlawful employment practice, subject to specific limited exceptions, for an employer to refuse to hire or~~

~~employ, select for a training program leading to employment, or to bar or discharge a person from employment or a training program or to discriminate against a person in compensation, terms, conditions or privileges of employment based on the person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. Employers and employment agencies are prohibited from printing, circulating or causing to be printed or circulated any publication, or to make any nonjob related inquiry of an employee or applicant that expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. The act also provides that a labor organization may not exclude, expel or restrict from its membership, or to provide only 2nd-class or segregated membership or to discriminate against any person in the election of officers or appointment of staff of the labor organization, or to discriminate in any way against any of its members or against any employer or their employees based on a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. The act also prohibits employers, labor organizations, employment agencies, apprenticeship training program and any training program leading to employment, or any other person to harass an employee, an applicant or a person providing services pursuant to a contract because of that person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.~~

~~This bill would expand these provisions to prohibit discrimination and harassment against a person based on that person's status as a victim of domestic violence, sexual assault, or stalking.~~

~~(8) Under the act, housing discrimination is prohibited on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. The act also prohibits discrimination on the basis of a person's source of income, the failure to account for the aggregate income of coresidents, or the failure to exclude a government rent subsidy from that portion of the rent to be paid by the tenant in assessing his or her eligibility for rental housing.~~

~~This bill would extend the protection to a person's status as a victim of domestic violence, sexual assault, or stalking, and would permit an~~

owner of any housing accommodation to include a preference, benefit, or service for those individuals. The bill would permit inquiry into an individual's status as a victim of domestic violence, sexual assault, or stalking for housing programs that include a preference, benefit, or service for those individuals. The bill would also permit a person to make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a housing accommodation that indicates any preference, benefit, or service based on an individual's status as a victim of domestic violence, sexual assault, or stalking for housing programs that include a preference, benefit, or service for those individuals.

(9) Under the act, proof of an intentional violation of the act includes, but is not limited to, an act or failure to act that is covered by the act or that demonstrates an intent to discriminate, if a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation is a motivating factor in committing a discriminatory housing practice. The act provides that proof of a violation causing a discriminatory effect is shown if an act or failure to act has the effect, regardless of intent, of unlawfully discriminating on the basis of a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

This bill would include a person's status as a victim of domestic violence, sexual assault, or stalking as the basis of an act of discrimination, or an act or failure to act that has a discriminatory effect.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to develop
- 2 legislation that would protect victims of domestic violence,
- 3 sexual assault, and stalking in their homes and prohibit
- 4 discrimination against these victims in housing and employment.
- 5 SECTION 1. Section 1941.3 of the Civil Code is amended to
- 6 read:

1
2
3
4
5

**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate, February 24, 2006. (JR11)**

O